

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LEONARD J. RICHARDS ,

Plaintiff,

v.

STATE OF MINNESOTA,
by Lori R. Swanson,
its Attorney General;
MIKE HERMERDING,
State Program Administrative
Manager Principal of the
Department of Corrections
of the State of Minnesota (“DOC”),
in his individual and official capacities;
SHEILA PACKWOOD,
Food Program Director of the DOC,
in her individual and official capacities;
NANETTE M. LARSON,
Health Services Director of the DOC,
in her individual and official capacities;
THOMAS A. ROY,
Commissioner of the DOC,
in his individual and official capacities;
MARK BRANDT DAYTON,
Governor of the State of Minnesota,
in his official capacity;
STEPHEN F. SIMON,
Secretary of State of the State of
Minnesota,
in his individual capacity;
BRADLEY K. ANDERSON,
Election Administrator of the Secretary,
in his individual capacity; and
all persons in concert with any of the
defendants or on their behalf,

Civil No. 13-3029 (JRT/JSM)

**ORDER ON REPORT
AND RECOMMENDATION**

Defendants.

Leonard J. Richards, #149837, MCF-Stillwater, 970 Pickett Street North, Bayport, MN 55003-1490, *pro se* plaintiff,

Margaret E. Jacot, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota Street, Suite 900, St Paul, MN 55101-2127, for defendants.

The above matter came before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated January 14, 2016. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, and upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order:

IT IS HEREBY ORDERED that:

Defendants State of Minnesota, Hermerding, Packwood, Larson, Roy, Dayton, Simon, and Anderson's Partial Motion to Dismiss Second Amended Complaint [Docket No. 147] is **GRANTED** in part and **DENIED** in part as follows:

1. All claims asserted against Stephen Simon are **DISMISSED with prejudice**.
2. All claims asserted against Bradley Anderson are **DISMISSED with prejudice**.
3. All claims asserted against Mark Dayton are **DISMISSED with prejudice**.
4. All claims under 42 U.S.C. § 1983 asserted against the State of Minnesota, Thomas Roy, Sheila Packwood and Nanette Larson are **DISMISSED with prejudice**.
5. All claims under 42 U.S.C. § 1983 asserted against Mike Hermerding are **DISMISSED with prejudice**.

6. All claims under the Affordable Care Act against the State of Minnesota, Thomas Roy, Sheila Packwood, Nanette Larson, and Mike Hermerding are **DISMISSED without prejudice.**

7. All claims asserted under Section 504 of the Rehabilitation Act and Affordable Care Act for punitive damages are **DISMISSED with prejudice.**

8. Defendants' motion to dismiss all claims asserted under Section 504 of the Rehabilitation Act against the State is **DENIED.**

DATED: March 2, 2016
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court